



## Office of the Governor

December 17, 2003

The Honorable Gale Norton  
Secretary, U.S. Department of Interior  
1849 C St., NW  
Washington, D.C. 20240

Dear Secretary Norton:

The State of Wyoming hereby petitions the Honorable Secretary, in your official capacity as Secretary of the United States Department of Interior, to delist the Preble's meadow jumping mouse (*Zapus hudsonius preblei*) (Preble's) under Section 4 (b)(3) of the Endangered Species Act. Much like the approach taken by the Service in relation to the Mountain Plover, the State's petition centers on the best science currently available. The basis for the petition is taxonomic revision and data error.

The petition provides DNA results from a definitive study by the Denver Museum of Nature and Science that reveal Preble's and *Zapus hudsonius campestris* (*campestris*) are in fact genetically inseparable. The petition also includes analysis which shows that the Preble's is not a geographically isolated species, as was previously asserted by the U.S. Fish and Wildlife Service (Service). The petition goes on to detail the error in initially listing the mouse by refuting the assumed threats to its existence with a thorough summary of current distribution and abundance data.

For the past several years, the State has repeatedly questioned the listing, requested re-examination of the available data and the basis for listing, and provided information to support those requests. To date, the State's efforts have led to little or no action. While the Service has agreed to review the listing as part of its 5-year review process for all listed species, we have seen no effort to begin the review. We believe this petition will serve to both support and speed up that process, to our mutual benefit.

The petition has been thoroughly researched and evaluated and is supported by comprehensive scientific data. Thus, to underscore my resolute and determined posture with regard to the petition, please be advised that the State recognizes and retains any and all legal options, including those related to the 90 day review of filings due March 18, 2004, that will ensure your agency's prompt and appropriate action on the petition.

This petition presents new and substantive information indicating that the original data for listing this species was in error. This petition is greater in scope than existing petitions currently on file and broadens the area of review. It is neither "identical" nor

“equivalent” to any pending petitions. Accordingly, the Service must treat it as a first-time petition. Petition Management Guidance, July 1996 at 5-6.

In order to simplify and coordinate your action on the State’s petition, I have appointed Ryan Lance, my Endangered Species Act Policy Coordinator, as the point of contact for my office. Please contact Ryan if you have any questions related to the petition at (307) 777-5774.

By using the best available scientific data, the State of Wyoming has presented a substantive petition that aptly meets the statutory and regulatory criteria for delisting. Therefore, Wyoming encourages your serious consideration of this petition. I look forward to a meaningful and public discourse on each of the State’s contentions. Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Freudenthal", with a large, stylized flourish extending from the end of the name.

Dave Freudenthal  
Governor  
State of Wyoming